

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROESCHEN'S HEALTHCARE, LLC,
d/b/a Roeschen's Omnicare

Plaintiff,

v.

Case No. 09-CV-205

MILLWAY HEALTH CARE, LLC,
d/b/a Millway Care Center,

Defendant.

ORDER

This matter having come before the Court upon the motion of plaintiff Roeschen's Healthcare, LLC ("Roeschen's") for judgment by default against defendant Millway Health Care, LLC ("defendant") on the first and second causes of action in the complaint, and upon this court's finding that: (1) defendant was properly served with the summons and complaint in this matter and failed to defend in this action; (2) this court has subject matter jurisdiction over this dispute and personal jurisdiction over the parties; (3) defendant is in default; and (4) in accordance with Rules 55(b)(2) and 54(c) of the Federal Rules of Civil Procedure, judgment should now be entered in favor of Roeschen's Healthcare, LLC.

IT IS HEREBY ORDERED that judgment by default be entered in favor of Roeschen's, 5185 South 9th Street, Milwaukee, WI 53221 and against defendant Millway Health Care, LLC, 8534 West Mill Road, Milwaukee, WI 53225 as follows:

(a) On the first cause of action in the amount of \$154,753.73, plus interest at the rate of 7% per annum from 4/11/09 in accordance with the Promissory Note, plus costs, disbursements and attorneys fees;

(b) On the second cause of action in the amount of \$46,037.80, plus interest at the rate of 1.5% per annum from 10/30/08 in accordance with the Pharmacy Services Agreement;

(c) On both causes of action for actual reasonable attorneys fees, plus costs and disbursements in accordance with the Promissory Note and the Pharmacy Services Agreement.

(d) Plaintiff retains (and does not waive) the right to enforce the lien granted in the Promissory Note in the defendant's collateral and perfected by the UCC security interest set forth in the complaint.

Dated at Milwaukee, Wisconsin, this 26th day of May, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge

Judgment entered this 26th day of May, 2009

JON W. SANFILIPPO
Clerk of Court

By: s/ Nancy A. Monzingo
Deputy Clerk